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DEC 04 2006

In re Application of :
Jean-Christophe Francis :
Audonnet et al. :
Application No. 09/677,672 :
Filed: October 2, 2000 :
Attorney Docket Number: 454313- :
3160 :
Title: ADJUVANT-CONTAINING DNA :
VACCINES :

OFFICE OF PETITIONS

DECISION ON PETITION
UNDER 37 C.F.R. §1.137(B)

This is a decision on the petition filed on July 20, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 8, 2005, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue fees². Accordingly, the above-identified application became abandoned on September 9, 2005. A Notice of Abandonment was mailed on July 10, 2006.

¹ A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

² See MPEP §710.02(e).

With the present petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. A terminal disclaimer is not required. It is noted that the issue fee was received on December 2, 2005.

As such, the petition is **GRANTED**.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).